

Notice of Allowability	Application No.	Applicant(s)
	09/900,514	RASHID ET AL.
	Examiner	Art Unit
	Michael J. Moore, Jr.	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 12/19/2005. *Tonnam*

2. The allowed claim(s) is/are 1-40.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

DANG TON
PRIMARY EXAMINER

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
Paper No./Mail Date _____
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kent J. Sieffert (Reg. No. 41,312) on 3/1/2006.

The application has been amended as follows:

In claim 37, on line 5, replace the word "said" before the phrase "set of data rings" with the word --a--.

In claim 37, on line 15, replace the word "a" before the phrase "set of data rings" with the word --the--.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2005 has been entered.

Terminal Disclaimer

3. The terminal disclaimer filed on 12/19/2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date

of any patent granted on Application No. 10/036595 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

4. Claims **1-40** are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding *amended claim 1*, *Carlson* (U.S. 6,728,206) teaches a crossbar switch in Figure 3 having a set of input ports, output ports, and a set of data rings coupling the input ports and output ports. *Carlson* and the other prior art of record fail to teach where at least one of the sink ports includes a bandwidth allocation circuit that calculates a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding claims **2-14 and 39**, these claims are further limiting to claim 1 and are thus also allowable over the prior art of record.

Regarding *amended claim 15*, *Carlson* (U.S. 6,728,206) teaches a crossbar switch in Figure 3 having a set of input ports, output ports, and a set of data rings coupling the input ports and output ports. *Carlson* and the other prior art of record fail to teach where at least one of the sink ports includes a bandwidth allocation circuit that calculates a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when an amount of packet data exceeds a threshold and the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding claims **16-21**, these claims are further limiting to claim **15** and are thus also allowable over the prior art of record.

Regarding *amended* claim **22**, *Carlson* (U.S. 6,728,206) teaches a crossbar switch in Figure 3 having a set of input ports, output ports, and a set of data rings coupling the input ports and output ports. *Carlson* and the other prior art of record fail to teach where at least one of the sink ports includes a bandwidth allocation circuit that calculates a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when an amount of packet data exceeds a threshold and the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding claims **23 and 24**, these claims are further limiting to claim **22** and are thus also allowable over the prior art of record.

Regarding *amended* claim **25**, the prior art of record (*Carlson, Lu* (U.S. 6,480,911)) teaches the reception of packets of different priority levels and the transferring of data packets using a set of data rings. The prior art of record fails to teach a sink port that calculates a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when an amount of packet data exceeds a threshold and the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding claims **26-35**, these claims are further limiting to claim **25** and are thus also allowable over the prior art of record.

Regarding *amended* claim 36, *Carlson* (U.S. 6,728,206) teaches a crossbar switch in Figure 3 having a set of input ports (receiving means), output ports (sink ports), and a set of data rings coupling the input ports and output ports. *Carlson* and the other prior art of record fail to teach a determining means that determines a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding claim 40, this claim is further limiting to claim 36 and is thus also allowable over the prior art of record.

Regarding *amended* claim 37, *Carlson* (U.S. 6,728,206) teaches a crossbar switch in Figure 3 having a set of input ports, output ports, and a set of data rings coupling the input ports and output ports. *Carlson* and the other prior art of record fail to teach where at least one of the sink ports includes a bandwidth allocation circuit that calculates a weighted average bandwidth for each of the plurality of priority levels and rejects packet data having a first priority level when an amount of packet data exceeds a threshold and the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Regarding *amended* claim 38, the prior art of record (*Carlson*, *Lu* (U.S. 6,480,911)) teaches the reception of packets and the transferring of data packets using a set of data rings. The prior art of record fails to teach a sink port that determines whether to accept data packets based on calculating a weighted average bandwidth for each of a plurality of priority levels of data packets and rejecting of packet data having a

first priority level when an amount of packet data exceeds a threshold and the weighted average bandwidth for at least two of the priority levels exceeds a predetermined value.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments with respect to *amended* claims 1-38 have been fully considered and are persuasive. The previous claim rejections have been withdrawn.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blanc et al. (U.S. 6,982,956) and Wibowo et al. (U.S. 6,980,516) are additional references considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

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PRIMARY EXAMINER